

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M246843  
E/sl

ALAN D. SCHEINKMAN, P.J.  
REINALDO E. RIVERA  
ROBERT J. MILLER  
SYLVIA O. HINDS-RADIX, JJ.

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2018-00132

DECISION & ORDER ON MOTION

U.S. Bank National Association, etc., appellant,  
v Pedro Nunez, et al., respondents, et al.,  
defendants.

(Index No. 708847/16)

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Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Queens County, dated October 10, 2017, for failure to timely perfect.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is denied as premature (*see* 22 NYCRR 670.8[e]).

SCHEINKMAN, P.J., RIVERA, MILLER and HINDS-RADIX, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 2, 2018

U.S. BANK NATIONAL ASSOCIATION v NUNEZ